

UNREPORTED

IN THE HIGH COURT OF JUDICATURE AT

BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO.8511 OF 2015

Shri Chhatrapati Shivaji
Bahuddeshiya Gramin
Vikas Sevabhavi Shikshan Sanstha's
Pushpai Nursing School (RANM),
Kingaon, Tq. Ahmedpur, Dist.
Latur. Through its Secretary,
Shri Baban Rambhajirao Bodke,
Age 44 years, Occ.Social Work,
R/o Kongaon, Tq. Ahmedpur,
Dist.Latur. ... Petitioner.

Versus

1. The State of Maharashtra,
through the Secretary for
Medical Education and
Drugs Department, Mantralaya,
Mumbai.

2. The Secretary,
Social Justice and Special
Assistance Department,
Maharashtra State,
Mumbai.

3. The Commissioner,
Social Welfare Department,
Maharashtra State,
Mumbai.

4. The Director,
V.J.N.T., O.B.C. And
S.B.C. Social Welfare Department,
Maharashtra State,

Pune-1.

5. The Regional Deputy
Commissioner, Social Welfare
Department, Aurangabad
Region, Aurangabad.

6. The Assistant Commissioner,
District Social Welfare
Office, Latur. ... Respondents.

...

Mr.C.A.Jadhav, advocate for the petitioner.
Mr.K.G.Patil, Addl.Govt. Pleader for the State.

**WITH
WRIT PETITION NO. 8970 OF 2014**

Tirupati Prastishthan,
Samiksha Institute of Nursing,
Nagar Parishad Building,
Sherar Peth, Vasmat Nagar,
Tq. Vasmat, Dist.Hingoli,
through its Secretary,
Sandeep Santaram Rabbewar,
Age 40 years, Occ.Social Work,
R/o At Post Andhori, Tq.
Ahmedpur, Dist.Latur. ... Petitioner.

Versus

1. The State of Maharashtra,
through the Secretary for
Medical Education and
Drugs Department, Mantralaya,
Mumbai.

2. The Secretary,
Social Justice and Special
Assistance Department,
Maharashtra State,
Mumbai.

3. The Commissioner,
Social Welfare Department,

Maharashtra State,
Pune.

4. The Regional Deputy
Commissioner, Social Welfare
Department, Latur Region,
Latur.

5. The Assistant Commissioner,
District Social Welfare
Office, Hingoli. ... Respondents.

...

Mr.P.S.Pawar, advocate for the petitioner.
Mr.S.G.Sangle, Asstt. Govt. Pleader for the
State.

**WITH
WRIT PETITION NO.8516 OF 2015**

R.D.F.Rural Development Society's
Maharashtra Nursing School,
(RANM), Chakur, Tq.Chakur,
Dist.Latur, through
its President Afzal Ibrahim
Momin, Age 38 years, Occ.Social
Work, R/o Chakur,Tq.Chakur,
Dist.Latur. ... Petitioner.

Versus

1. The State of Maharashtra,
through the Secretary for
Medical Education and
Drugs Department, Mantralaya,
Mumbai.

2. The Secretary,
Social Justice and Special
Assistance Department,
Maharashtra State,
Mumbai.

3. The Commissioner,
Social Welfare Department,
Maharashtra State,
Mumbai.

4. The Director,
VJNT, OBC, and S.B.C.
Social Welfare
Department, Maharashtra State,
Pune.

5. The Regional Deputy
Commissioner, Social Welfare
Department, Aurangabad Region,
Aurangabad.

6. The Assistant Commissioner,
District Social Welfare
Office, Latur. ... Respondents.

...

Mr.C.A.Jadhav, advocate for the petitioner.
Mr.K.G.Patil, Addl. Govt. Pleader for the State.

**WITH
WRIT PETITION NO.8514 OF 2015**

Late Prabhu Bahuuddeshiya Uvak
Shvabhavi Sanstha's Vedant
RGNM Nursing School,
Behind Virat Hanuman, In front
of B & C Patsanstha AUSA Road,
Tq. and Dist.Latur,
through its Secretary,
Mrs.Kanchan Satish Patil,
Age 37 years, Occ.Social Worker,
R/o Behind Virat Hanuman, In
front of B & C Patsanstha
AUSA Road, Tq. & Dist.
Latur. ... Petitioner.

Versus

1. The State of Maharashtra,
through the Secretary for
Medical Education and
Drugs Department, Mantralaya,
Mumbai.

2. The Secretary,
Social Justice and Special
Assistance Department,
Maharashtra State,
Mumbai.

3. The Commissioner,
Social Welfare Department,
Maharashtra State,
Mumbai.

4. The Director,
VJNT, OBC, and S.B.C.
Social Welfare
Department, Maharashtra State,
Pune.

5. The Regional Deputy
Commissioner, Social Welfare
Department, Aurangabad Region,
Aurangabad.

6. The Assistant Commissioner,
District Social Welfare
Office, Latur.

... Respondents.

...

Mr.C.A.Jadhav, advocate for the petitioner.
Mr.S.G.Sangle, Asstt. Govt. Pleader for the
State.

**WITH
WRIT PETITION NO. 8513 OF 2015**

Sai Baba Sevabhavi Sanstha's

Dr.Ramesh Dhokne Patil School
of Nursing (RANM), At Mukindpur,
Newasa Fata, Tq.Newasa Dist.
Ahmednagar,through its President,
Dr.Ramesh Asaram Dhokne,
Age 52 years, Occ.Social Work,
R/o At Mukindpur, Newasa Fata,
Tq. Newasa Dist.Ahmednagar. ... Petitioner.

Versus

1. The State of Maharashtra,
through the Secretary for
Medical Education and
Drugs Department, Mantralaya,
Mumbai.

2. The Secretary,
Social Justice and Special
Assistance Department,
Maharashtra State,
Mumbai.

3. The Commissioner,
Social Welfare Department,
Maharashtra State,
Mumbai.

4. The Director,
VJNT, OBC, and S.B.C.
Social Welfare
Department, Maharashtra State,
Pune.

5. The Regional Deputy
Commissioner, Social Welfare
Department, Nashik Region,
Nashik.

6. The Assistant Commissioner,
District Social Welfare
Office, Ahmednagar.

... Respondents.

...

Mr.C.A.Jadhav, advocate for the petitioner.
Mr.K.J.Ghute Patil, Asstt. Govt. Pleader for the State.

**WITH
WRIT PETITION NO.8531 OF 2015.**

Sai Disha Samajik Vikas Sanstha's
Pethroad Nursing School (RANM)
At Pethroad, Tq. Peth,
District Nashik,
through its President,
Dr.Shantanu Rangnath Pawar,
Age 29 years, Occ.Medical
Practitioner, R/o Plot No.20,
Indraprastha Housing Society,
Garkheda Parisar, Aurangabad. ... Petitioner.

Versus

1. The State of Maharashtra,
through the Secretary for
Medical Education and
Drugs Department, Mantralaya,
Mumbai.

2. The Secretary,
Social Justice and Special
Assistance Department,
Maharashtra State,
Mumbai.

3. The Commissioner,
Social Welfare Department,
Maharashtra State,
Mumbai.

4. The Director,
VJNT, OBC, and S.B.C.
Social Welfare
Department, Maharashtra State,
Pune.

5. The Regional Deputy
Commissioner, Social Welfare
Department, Nashik Region,
Nashik.

6. The Assistant Commissioner,
District Social Welfare
Office, Nashik. ... Respondents.

...
Mr.C.A.Jadhav, advocate for the petitioner.
Mr.K.G.Patil, Addl. Govt. Pleader for the State.

**WITH
WRIT PETITION NO.8530 OF 2015**

Shiva Trust Aurangabad's
Manmad Nursing School
(RANM), Bhagatsing Maidan,
Railway Station, Tq. Nandgaon,
Dist.Nashik, through its
President Dr.Balasaheb Shivajirao
Pawar, Age 47 years, Occ.Social
worker, R/o Plot No.57-G,
Sector N-4, CIDCO,
Aurangabad. ... Petitioner.

Versus

1. The State of Maharashtra,
through the Secretary for
Medical Education and
Drugs Department, Mantralaya,
Mumbai.

2. The Secretary,
Social Justice and Special
Assistance Department,
Maharashtra State,
Mumbai.

3. The Commissioner,
Social Welfare Department,
Maharashtra State,
Mumbai.

4. The Director,
VJNT, OBC, and S.B.C.
Social Welfare
Department, Maharashtra State,
Pune.

5. The Regional Deputy
Commissioner, Social Welfare
Department, Nashik Region,
Nashik.

6. The Assistant Commissioner,
District Social Welfare
Office, Nashik. ... Respondents.

...

Mr.C.A.Jadhav, advocate for the petitioner.
Mr.K.G.Patil, Addl. Govt.Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**

Date : 17.08.2015.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Heard.

2. Rule. Rule made returnable forthwith.
With the consent of the parties, the petitions
are taken for final hearing.

3. The petitioners claim reimbursement of
fees in respect of reserved category candidates
for the years 2011-2012 and 2012-2013.

4. We have heard learned counsel for the petitioners. The contention of the petitioners is that, for the period prior to 2012-2013 and for the period from 2013-2014, the petitioners are being reimbursed the tuition fees and other fees of reserved category candidates in respect of ANM and GNM course. According to the learned counsel, reimbursement of the fee for the years 2011-2012 and 2012-2013 has been illegally withheld and the petitioners are entitled for the same.

5. Learned Additinal/Assistant Government Pleaders submit that in view of clause (9) of the Government Resolution dated 21st March, 2005, as the petitioners had not obtained permission of the Government, the reimbursement of the fees is not granted. It is only after the judgment of the Division Bench of this Court in PIL No.72 of 2013, the petitioner is being given reimbursement of fees for the subsequent years.

6. We have considered the submissions canvassed by the learned counsel for the

respective parties. Clause (9) of the Government Resolution dated 21st March, 2005 has been held to be *ultra virus* and illegal by the Division Bench of this Court in PIL No. 72 of 2013. When the said clause itself has been set aside and held to be illegal and not in consonance with the statute, then only because the said PIL was pending, the State would not be entitled to withhold reimbursement of the fees for the years 2011-2012 and 2012-13. The condition of suitability certificate is imposed vide Government Resolution dated 27.3.2014. The directions with regard to reimbursement of fees is for the years 2011-12 and 2012-13. The said condition was not relevant for the said period.

7. In light of the above, the Respondent - State is directed to release the tuition fees/ examination fees of the approved students of the petitioners School for the reserved category students of ANM/GNM course admitted for the academic year 2011-2012 and 2012-2013, expeditiously, preferably within three (03) months from today, without insisting for the

suitability certificate for the period 2011-12,
2012-13.

8. Rule accordingly made absolute in above
terms. No costs.

Sd/-
(V.K.JADHAV, J.)

Sd/-
(S.V.GANGAPURWALA, J.)

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